IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7379 OF 2006

Mulay Bro. Private Limited – Amit Construction Joint Venture ..Petitioner

V/s.

The Collector, Satara and ors. ..Respondents

Mr. B. K. Raje, advocate for petitioner
Mr. V. S. Mahispurkar, AGP for respondents

Coram : S.J.Vazifdar, J.

Date : 9th January, 2007

P.C.

1. Rule.

2. Writ petition is heard finally. One of the contentions raised in the plaint is that soil is not mineral and that therefore, notices which have been challenged are illegal.

3. The learned Judge has rejected the raising of this issue as to whether soil is mineral or not?

on the ground the plaintiff has challenged the notice issued by the Government. However, one of the grounds for challenging the notice is that what is excavated is soil and not mineral.

4. In the circumstances, the impugned order is modified to the extent that issue No.2 shall also be raised. Issue No.1 is not required to be raised, as recorded by the learned Judge. The defendant No.2 has not disputed the status as a Government undertaking.

5. The Writ petition is accordingly, disposed of.